

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeremy Allen Hewitt,)	
)	C/A No. 0:09-2607-MBS
Plaintiff,)	
)	
vs.)	O R D E R
)	
Mr. Knowlin, Warden, Ms. Huggins, Head)	
Nurse; Capt. Coleman; YOIP Captain;)	
John Ozmint, Director,)	
)	
Defendants.)	
)	

At the time of filing of the complaint, Plaintiff Jeremy Allen Hewitt was an inmate in custody of the South Carolina Department of Corrections (SCDC). Plaintiff, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983 on October 6, 2009, alleging that he was subjected to unconstitutional conditions of confinement. Plaintiff filed an amended complaint on November 11, 2009.

This matter is before the court on motion for summary judgment filed by Defendants on April 7, 2010. ECF No. 56. Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences of failing to respond adequately. Plaintiff filed a response in opposition to Defendants' motion on April 22, 2010. In addition, Plaintiff filed a motion for summary judgment on June 21, 2010. ECF No. 65. Defendants filed a response in opposition on June 24, 2010, to which Plaintiff filed a reply on July 1, 2010.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this case was referred to United States Magistrate Judge Paige J. Gossett for a Report and Recommendation. On January 24, 2011, the Magistrate Judge filed a Report and Recommendation in which she recommended that

Defendants' motion for summary judgment be granted, and Plaintiff's motion for summary judgment be denied. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs with the Magistrate Judge's recommendations and incorporates the Report and Recommendation herein. Defendants' motion for summary judgment (ECF No. 56) is **granted**. Plaintiff's motion for summary judgment (ECF No. 65) is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 15, 2011